

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Ms. Eve Gambla
Filing Date:	03/03/2004
Title:	Improved Toilet Overspray Shield for Males
Serial No.:	10/792,235
Examiner:	Mr. Robert M. Fetsuga
Group Art Unit No.:	3751

AMENDMENTS AND RESPONSE TO NON-FINAL REJECTION

This is an Amendment and Response to the Non-Final Rejection, Mailing Date 04/11/2007 in which there was noted the following objections to the instant patent application:

1. Claims 3 and 5 are objected to as not encompassing the elected embodiment and withdrawn from consideration.
2. The drawings are objected to because reference number 166 (pg. 15 ln. 13) is missing.
3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Proper antecedent basis for the "six inches to twenty four inches" feature set forth in claim 1, "substantially annular" and "perpendicular" features set forth in claim 2, "exterior portion" set forth in claim 4, and subject matter set forth in claim 9 could not be found in the specification.

In addition, the following rejections were noted:

4. Claims 2 and 9 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites a "substantially annular" flange. The flange 20 does not appear to be "annular," and this use of the term is repugnant to the meaning thereof.

Claim 9 apparently should depend from claim 8 rather than claim 7 and will be considered as such in this Office action only.

5. Claims 1, 2, 4, and 7 are rejected under 35 U.S.C. §102(b) as being anticipated by Masters et al.

6. Claims 1, 2, 4, and 7-9 are rejected under 35 U.S.C. §103(a) over Masters and Gambla, et al.

Applicant wishes to make the following amendments to the Office Action, mail dated 04/11/2007, as follows:

LIST OF AMENDMENTS TO THE SPECIFICATION

Please make the following changes to the second paragraph on page 15, line 11 of the specifications of the above patent application:

A semi-elliptical outer wall 152 is also provided to which is attached angled wedge flange means 158 which are to be evenly spaced around the device such that it sits upon toilet seat rim 160 without toppling and which is capable of bearing upon the lower portion of a toilet seat is provided for securement of the device to an